

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

September 3, 2013 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
.....

Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 3:00 p.m.

Commissioner Mitchell provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Sides moved to add scheduling a public hearing for September 16, 2013 for the Rural Operating Assistance Program (ROAP). The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Sides added the issue as Consent Agenda item D.

- Commissioner Pierce moved to add a discussion regarding the Kesler Mill tipping fee disposition. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Sides added the issue as agenda item #2a.

- Chairman Sides moved to add discussions regarding economic development and attorney client privileged communication to the Closed Session. The motion was seconded by Commissioner Pierce and passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda as amended passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the August 19, 2013 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Award of Transportation Management Contract
- B. Proclamation for Young Marines Red Ribbon Week

***WHEREAS**, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and*

***WHEREAS**, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marine Corps League to foster a healthy, drug-free lifestyle; and*

***WHEREAS**, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and*

***WHEREAS**, the red ribbon has been chosen as a symbol commemorating the work of Enriqu   “Kiki” Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and*

***WHEREAS**, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and*

***WHEREAS**, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.*

***NOW, THEREFORE BE IT RESOLVED** that the Rowan County Board of Commissioners does hereby proclaim October 23-31, 2013 as **RED RIBBON WEEK** in Rowan County, and urges all citizens to join in this special observance.*

- C. Abatement of 2010 Tax Bill for Rowan Museum
- D. Set Public Hearing for September 16, 2013 for FY 2014 Funding for Rural Operating Assistance Program (addition to the agenda)

2. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Chaplain Michael Taylor presented the newest board members, which were Commissioners Caskey and Pierce, with a New Testament Bible. Chaplain Taylor thanked the Commissioners for their work and he then prayed for the Board.

Chairman Sides thanked Chaplain Taylor for his many years of service to Rowan County and to the Sheriff's Department.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

ADDITION

2a. KESLER MILL TIPPING FEE DISPOSITION

Commissioner Pierce said the County had been asked to waive the tipping fees for the cleanup of the Kesler Mill property. Commissioner Pierce said the property was located off Martin Luther King Boulevard in a heavily populated area and the cleanup had been abandoned by the contractor.

Commissioner Pierce said he had been communicating with Janet Gapen, Director of Community Planning Services for the City of Salisbury (City), pertaining to waiving the tipping fees at the Rowan County Landfill for the cleanup. Commissioner Pierce suggested the County accept the landfill debris and assess the regular costs, hold the bill and the cleanup would be paid for at the time the land was sold or the City was ready to develop it. Commissioner Pierce said the landowner does not have the money to pay for the cleanup, which was estimated to be in excess of \$160,000.

Commissioner Pierce asked the Board's consideration of the proposed Memorandum of Understanding (MOU) for presentation to the City.

Commissioner Mitchell referred to item #3 under Terms and Conditions and asked if it was the intention to only have the debt paid if the property was sold.

Chairman Sides commented that the language "redeveloped" was included, which would include future development on the site.

Commissioner Pierce agreed and said if the City saw fit to develop the property, at that point in time, the tipping fees would be paid.

Commissioner Mitchell said that was his understanding; however, when he read #3, the implication was the proceeds from a “sale” would pay off the tipping fees.

Commissioner Barber concurred with Commissioner Mitchell’s interpretation of #3.

Commissioner Pierce said the language in #3 should be clarified to read, “When the property is redeveloped or sold, proceeds will go to pay off the debt for landfill tipping costs and code services fines”.

Commissioner Mitchell was in agreement with the changes.

Commissioner Pierce further clarified from his discussions with Ms. Gapen that the intent of the current landowner is to clean up the property and deed it to the City of Salisbury. Commissioner Pierce said the land owner was located out of state, was a non-profit and had no desire to develop the property.

Chairman Sides confirmed the changes to the language in #3 as stated by Commissioner Pierce.

Chairman Sides expressed appreciation to Commissioner Pierce for his efforts on the project.

Chairman Sides felt there should be an additional clause in #3 under Terms and Conditions that states, “If the property is not developed or sold within ten (10) years from the date of the MOU, landfill tipping fees will be due and payable to Rowan County.” Chairman Sides felt a moratorium of ten (10) years was more than reasonable. Chairman Sides then put the suggested additional clause in the form of a motion. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Sides referred to the Terms and Conditions and moved to add an item #4 to state, “Should any environmental risks arise in the future, the City of Salisbury agrees to assume all liability.” Chairman Sides commented that the inclusion of #4 would protect the County from any future environmental risks. The motion was seconded by Commissioner Caskey and passed unanimously.

Commissioner Pierce moved to accept the MOU for the Kesler Mill site with the changes as voted upon. The motion was seconded by Commissioner Barber and passed unanimously.

3. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board’s consideration:

- Finance – Recognize reserved funds from FY 2013 for Cooperative Extension - \$44,919
- Finance – Recognize reserved funds from FY 2013 for Emergency Services - \$16,607
- Finance – Recognize reserved funds from FY 2013 for the Library - \$33,835
- Finance – Recognize reserved funds from FY 2013 for Parks - \$45,081
- Finance – Budget reserved funds for Bird Habitat for Nature Center - \$15,000
- Finance – Recognize reserved funds from FY 2013 for Sheriff's Office - \$153,096
- Finance – Recognize reserved funds from FY 2013 for DSS - \$109,048
- Finance – Appropriate reserve funds to budget for secretarial services - \$600
- Finance – Appropriate revenues, fund balance and expenditures for FY 2013 encumbrances - \$1,691,299
- Finance – Appropriate fund balance and additional current expense to Rowan-Salisbury Schools, Kannapolis City Schools and the Charter Schools - \$240,533
- Finance – Appropriate budgeted amounts not spent during FY 2013 for the Communication Project - \$722,807
- Finance – Appropriate funds encumbered in the Landfill Fund in FY 2013, but not spent, into the new fiscal year - \$140,630
- Finance – Appropriate budgeted amounts not spent in prior years for the new Airport hangar into FY 2014 – 693,619

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Barber and passed unanimously.

4. CONSIDER APPROVAL OF BOARD APPOINTMENTS **ENOCHVILLE VFD FIRE COMMISSIONER**

There are three vacancies and the following applications have been received:

- Lisa G. Joines for reappointment
- Lois McCorkle for reappointment
- John Sims for reappointment

The terms are for two (2) years beginning September 1, 2013 and expiring August 31, 2015.

Commissioner Pierce nominated Lisa Joines, Lois McCorkle, and John Sims for reappointment. The nominations passed unanimously.

LOCKE VFD FIRE COMMISSIONER

There are two vacancies and the following have submitted applications:

- James Miller
- Tony Sechler

The terms are for two (2) years beginning September 1, 2013 and expiring June 30, 2015.

Commissioner Barber nominated James Miller and Tony Sechler and the nominations passed unanimously.

5. CLOSED SESSION

Commissioner Pierce moved at 3:15 p.m. that the Board now enter Closed Session pursuant to North Carolina General Statute §143-318.11(a)(3), (a)(4) and (a)(6) for attorney-client privileged communication, economic development and personnel.

The Board returned to Open Session at 4:34 p.m.

Commissioner Pierce moved the board authorize the County Manager to issue a \$25,000 check to obtain further information on a project. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

6. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 4:36 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager